AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A moving picture encoding apparatus comprising:

a skip number control section which controls a skip number between frames to be encoded;

a quantization scale control section which controls a quantization scale indicative of a degree of quantization;

an encoding section which ~~performs encoding~~ encodes ~~of~~ a moving picture by selectively using one of an inter-coding ~~type process~~ and an intra-coding ~~type process~~ on the basis of the quantization scale determined by the quantization scale control section and the skip number determined by the skip number control section;

a code amount detection section which [[finds]] calculates a code amount of a frame encoded by the encoding section;

a storage section which stores the quantization scale with which the encoding section ~~performs encoding~~ encodes by the inter-coding ~~type process~~, the code amount ~~found~~ calculated by the code amount detection section ~~at this time~~, the quantization scale with which the encoding section ~~performs encoding~~ encodes by the intra-coding ~~type process~~, and the code amount ~~found~~ calculated by the code amount detection section ~~at this time~~; and

an encoding ~~process~~ setting section which sets the encoding ~~process~~ to be ~~performed~~ used by the encoding section to the intra-coding ~~type process~~, if the skip number determined by the skip number control section is a predetermined first ~~value~~

threshold or more and the quantization scale and code amount stored in the storage section satisfy a predetermined condition.

2. (Currently Amended) The moving picture encoding apparatus according to claim 1, wherein the inter-coding ~~type process~~ is at least one of a unidirectional predictive encoding ~~process~~ and a bi-directional predictive encoding ~~process~~.

3. (Currently Amended) The moving picture encoding apparatus according to claim 1, wherein the encoding ~~process~~ setting section sets the encoding ~~process~~ to be ~~performed~~ used by the encoding section to the intra-coding ~~type process~~, when the skip number determined by the skip number control section has reached said predetermined first ~~value~~ threshold or more, on the basis of a product of the quantization scale and the code amount of each encoding ~~process~~ stored in the storage section.

4. (Currently Amended) The moving picture encoding apparatus according to claim 1, wherein the encoding ~~process~~ setting section sets the encoding ~~process~~ to be ~~performed~~ used by the encoding section to the intra-coding ~~type process~~, when the skip number determined by the skip number control section has reached said predetermined first ~~value~~ threshold or more while the encoding section is ~~performing the~~ encoding by the inter-coding ~~type process~~, and if the ratio of a product of a mean value of the quantization scale and the code amount of the inter-coding ~~type process~~ stored in the storage section to a product of a mean value of the quantization scale and the code amount of the intra-coding ~~type process~~ stored in the storage section is greater than a predetermined second ~~value~~ threshold.

5. (Currently Amended) The moving picture encoding apparatus according to claim 4, wherein said second ~~value~~ threshold is a fixed ~~value~~ threshold or a variable

~~value~~ threshold according to the skip number determined by the skip number control section.

6. (Currently Amended) The moving picture encoding apparatus according to claim 1, further comprising an averaging section which ~~finds~~ calculates a mean value of the quantization scale determined by the quantization scale control section,

wherein the storage section stores the mean value obtained by the averaging section as the quantization scale.

7. (Currently Amended) A moving picture encoding method comprising:

a skip number control step of controlling a skip number between frames to be encoded;

a quantization scale control step of controlling a quantization scale indicative of a degree of quantization;

an encoding step of ~~performing~~ encoding of a moving picture by selectively using one of an inter-coding ~~type process~~ and an intra-coding ~~type process~~ on the basis of the quantization scale determined by the quantization scale control step and the skip number determined by the skip number control step;

a code amount detection step of ~~finding~~ calculating a code amount of a frame encoded by the encoding step;

a storage step of storing the quantization scale with which the encoding step executes encoding by the inter-coding ~~type process~~, the code amount ~~found~~ calculated by the code amount detection step ~~at this time~~, the quantization scale with which the encoding step executes encoding by the intra-coding ~~type process~~, and the code amount ~~found~~ calculated by the code amount detection step ~~at this time~~; and

an encoding ~~process~~ setting step of setting the encoding ~~process~~ to be ~~performed~~ used by the encoding step to the intra-coding ~~type process~~, if the skip number determined by the skip number control step is a predetermined first ~~value~~ threshold or more and the quantization scale and code amount stored in the storage step satisfy a predetermined condition.

8. (Currently Amended) The moving picture encoding method according to claim 7, wherein the inter-coding ~~type process~~ is at least one of a unidirectional predictive encoding ~~process~~ and a bi-directional predictive encoding ~~process~~.

9. (Currently Amended) The moving picture encoding method according to claim 7, wherein the encoding ~~process~~ setting step sets the encoding ~~process~~ to be ~~performed~~ used by the encoding step to the intra-coding ~~type process~~, when the skip number determined by the skip number control step has reached said predetermined first ~~value~~ threshold or more, on the basis of a product of the quantization scale and the code amount of each encoding ~~process~~ stored in the storage step.

10. (Currently Amended) The moving picture encoding method according to claim 7, wherein the encoding ~~process~~ setting step sets the encoding ~~process~~ to be ~~performed~~ used by the encoding step to the intra-coding ~~type process~~, when the skip number determined by the skip number control step has reached said predetermined first ~~value~~ threshold or more while the encoding step is executing the encoding by the inter-coding ~~type process~~, and if the ratio of a product of a mean value of the quantization scale and the code amount of the inter-coding ~~type process~~ stored in the storage step to a product of a mean value of the quantization scale and the code

amount of the intra-coding ~~type process~~ stored in the storage step is greater than a predetermined second ~~value~~ threshold.

11. (Currently Amended) The moving picture encoding method according to claim 10, wherein said second ~~value~~ threshold is a fixed ~~value~~ threshold or a variable ~~value~~ threshold according to the skip number determined by the skip number control step.

12. (Currently Amended) The moving picture encoding method according to claim 7, further comprising an averaging step which ~~finds~~ calculates a mean value of the quantization scale determined by the quantization scale control step,

wherein the storage step stores the mean value obtained by the averaging step as the quantization scale.

13. (New) A moving picture encoding apparatus comprising:

skip number control means for controlling a skip number between frames to be encoded;

quantization scale control means for controlling a quantization scale indicative of a degree of quantization;

encoding means for encoding a moving picture by selectively using one of an inter-coding and an intra-coding, on the basis of the quantization scale and the skip number;

code amount detection means for determining a code amount of a frame encoded by the encoding means;

storage means for storing a product of a mean value of the quantization scale set by the quantization scale control means and the code amount determined by the code amount detection means, the product determined with respect to each frame;

encoding setting means for setting encoding, wherein if the skip number is equal to or greater than a predetermined threshold value and if encoding after skipping frames is inter-coding, a value indicative of a product stored in the storage means and determined with respect to frames which have been subjected to inter-coding is compared with a value indicative of a product stored in the storage means and determined with respect to frames which have been subjected to intra-coding, and wherein said encoding performed after skipping frames is set to intra-coding if the value indicative of a product determined with respect to frames which have been subjected to intra-coding is smaller than the value indicative of a product determined with respect to frames which have been subjected to inter-coding.

14. (New) The moving picture encoding apparatus according to claim 13, wherein the inter-coding is at least one of a forward direction predictive encoding and a bi-directional predictive encoding.

15. (New) The moving picture encoding apparatus according to claim 13, wherein the encoding setting means determines a product of the code amount and a mean value of the quantization scale, with respect to every inter-coding and intra-coding, and storing the product in the storage means.